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PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Phillip Acker

Serial No. 10/649,620

Filed: August 28, 2003

For: Thermal Alarm Clock



Examiner: Evans, A.

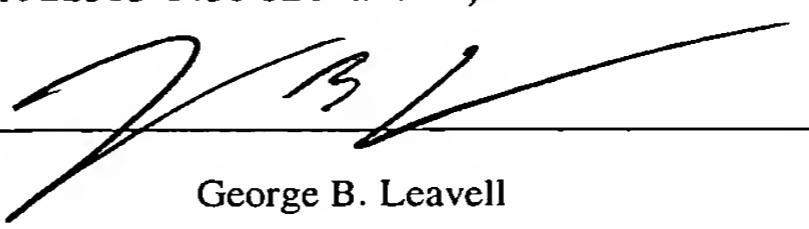
Art Unit: 2854

Atty Docket No. ACKRP002

Date: March 3, 2006

## CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on March 3, 2006.

Signed: 

George B. Leavell

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is an Amendment in the above-identified application.  
The fee has been calculated as shown below.

	Claims Remaining After Amendment	Highest Previously Paid For Extra	Present	SMALL ENTITY RATE FEE	OR	LARGE RATE FEE	ENTITY
TOTAL							
CLAIMS	<u>26</u>	<u>26</u>	<u>00</u>	X09 = \$	OR	X18 = \$	
INDEP							
CLAIMS	<u>03</u>	<u>03</u>	<u>00</u>	X43 = \$	OR	X88 = \$	
[ ] Multiple Dependent Claim Present and Fee Not Previously Paid				\$145		X290	\$
				TOTAL	\$		



Applicant(s) hereby petition for a month(s) extension of time to respond to the outstanding Office Action. Applicant(s) believe that no (additional) Extension of Time is required; however, if it is determined that such an extension is required, Applicant(s) hereby petition that such an extension be granted and authorize the Commissioner to charge the required fees for an Extension of Time under 37 CFR 1.136 to Deposit Account No. 50-0805 (Order No. ACKRP002).

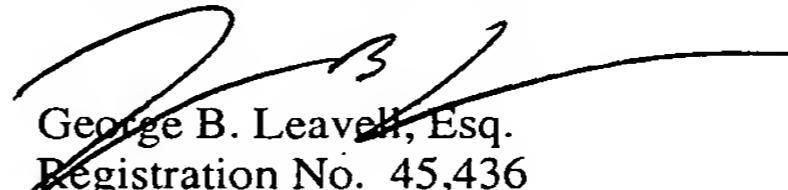


Enclosed is our Check No. in the amount of \$ to cover the additional claim fee and/or extension of time fees.



If the required fees are missing or any additional fees are required to facilitate filing the enclosed response, please charge such fees or credit any overpayment to Deposit Account No. 50-0805 (Order No. ACKRP002). A copy of this sheet is enclosed.

Respectfully submitted,  
MARTINE PENILLA & GENCARELLA, LLP



George B. Leavell, Esq.  
Registration No. 45,436

710 Lakeway Drive, Suite 200  
Sunnyvale, CA 94085  
Telephone: (408) 749-6900  
Customer Number 25,290

## **SUMMARY**

In view of the foregoing amendments and remarks, Applicant respectfully submits that the pending claims are in condition for allowance. Applicant respectfully requests reconsideration of the application and allowance of the pending claims.

If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact George B. Leavell at (408) 749-6900, ext 6923.

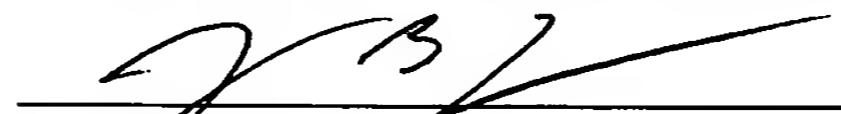
### **Deposit Account Authorization**

Authorization is hereby given to charge our Deposit Account No. 50-0805 (Ref ACKRP002) for any charges that may be due or credit our account for any overpayment. Furthermore, if an extension is required, then Applicant hereby requests such extension.

Respectfully submitted,

MARTINE PENILLA & GENCARELLA, LLP

Dated: March 3, 2006

  
George B. Leavell  
Attorney for Applicant  
Registration No. 45,436

710 Lakeway Drive, Suite 200  
Sunnyvale, CA 94085  
(408) 749-6900 ext 6923



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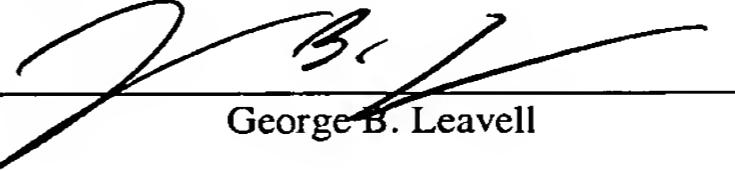
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Signed: 

George B. Leavell

**AMENDMENT AND RESPONSE TO OFFICE ACTION**

Commissioner for Patents  
Alexandria, VA 22313-1450

In response to the Office Action mailed December 5, 2005, please amend the above-referenced application as follows:

Amendments to the Claims are reflected in the listing of claims that begins on page 2 of this paper.

Remarks begin on page 7 of this paper.